

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FUJITSU LIMITED, a Japanese
corporation, and FUJITSU
MICROELECTRONICS AMERICA, INC., a
California corporation,

Plaintiffs,

v.

NANYA TECHNOLOGY CORP., a Taiwanese
corporation, and NANYA TECHNOLOGY
CORP., U.S.A., a California
corporation,

Defendants.

No. C 06-6613 CW

ORDER DENYING KLA'S
MOTION TO FILE
DOCUMENTS UNDER SEAL
(DOCKET NO. 338)

KLA-Tencor, Inc. has moved to file under seal portions of its
opposition to Fujitsu's motion to dismiss its complaint,¹ as well
as Exhibits 3, 4 and 5 to the Declaration of Vinay V. Joshi in
support of such opposition. These documents contain information
that Fujitsu has designated as confidential.

KLA's request relates to its opposition to a dispositive

¹The unredacted version of the opposition that was lodged with
the clerk does not identify the sealable portions of the document
by highlighting or notations within the text, as required by Local
Rule 79-5(c)(3).

1 motion. Accordingly, the documents may not be filed under seal
2 unless there is a "compelling interest" in doing so. Pintos v.
3 Pac. Creditors Ass'n, 504 F.3d 792, 801-03 (9th Cir. 2007).

4 Pursuant to Local Rule 79-5, if any party objects to the
5 public filing of any document, that party must file a declaration
6 establishing with particularity the need to file the document or a
7 portion thereof under seal. The statement must explain how the
8 party stands to be harmed by the public filing of the objectionable
9 information. A blanket statement that the party considers the
10 document confidential or has designated the document as subject to
11 a stipulated protective order is not sufficient to demonstrate that
12 the document is sealable. See Local Rule 79-5(a).

13 The exhibits and the relevant portions of the opposition brief
14 refer to information that Fujitsu considers confidential. Fujitsu,
15 however, has not filed a declaration establishing a compelling
16 interest to justify filing these document under seal, as it was
17 required to do within five days of KLA's request. See Local Rule
18 79-5(d). Nor does the fact that Fujitsu has designated the
19 material as confidential establish a compelling interest to file it
20 under seal. See Local Rule 79-5(a).

21 For these reasons, KLA's motion is DENIED. Pursuant to Local
22 Rule 79-5(d), KLA shall file in the public record via ECF an
23 unredacted version of its opposition brief as well as Exhibits 3, 4
24 and 5 to the Joshi declaration.

25 IT IS SO ORDERED.

26 Dated: 8/14/08



27 CLAUDIA WILKEN
28 United States District Judge